



**MINUTES
STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, APRIL 22, 2009**

MEMBERS PRESENT: DEBORAH ARCHULETA, RN; CANDACE BERARDINELLI, PhD, RN, VICE PRESIDENT;
PEGGY BUNKE, RN, NP; TONI GIBBONS, LPN; CAROLYN JEFFERSON-JENKINS, PhD;
CURTIS POWELLS, RN; BETTY WOLFE, LPN

MEMBERS EXCUSED: LISA DAVIS, RN; JUDITH BURKE, RN, NP

PRESIDING: SANDRA SUMMERS, RN, PRESIDENT

COUNSEL: Y. E. SCOTT, SENIOR ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

1. CONVENE AND ROLL CALL (9:00 A.M.)

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

2. APPROVAL OF MINUTES (9:02 A.M.)

After discussion, a Motion was made, seconded and carried to approve the minutes of the January 21, 2009 Full Board meeting.

3. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill informed the Board of the resignation of Christopher Dopke, JD, from the Board due to his active military duty, effective in May and that DORA was actively searching for suitable applicants for his replacement as a public member representative on the Board and Inquiry Panel A.

Director Merrill informed the Board of the upcoming term expirations of Judith Burke, Peggy Bunke, and Betty Wolfe and of Ms. Bunke and Ms. Wolfe's intentions to apply for reappointment to serve another term on the Board. Ms. Burke's term marks her second term and she is therefore ineligible to reapply for appointment. Director Merrill informed the Board of his work on seeking a suitable candidate for Ms. Burke's replacement.

Director Merrill provided and the Board noted attachments to his Program Director's Memorandum including a letter from NCSBN President, Laura Rhodes, and a copy of the report from Karen Dechant, Nurse Compact Administrator who attended the mid-year meeting in Chicago. The Board also noted their approval of a proposed "Delegation Decision Tree" presented by Director Merrill,

who informed the Board that once the formatting had been adjusted it would be posted in the scope of practice section of the Board's web site.

4. Application for the Nurse Aide Advisory Committee (9:08 A.M.)

The Board reviewed an application from Kathleen Mitchell, RN for the Nurse Aide Advisory Committee to fill the rest of Nea Sullivan's term as the RN who supervises CNAs representative after Ms. Sullivan resigned the committee in March.

After discussion, a Motion was made, seconded and carried to appoint Ms. Mitchell to the Nurse Aide Advisory Committee as the RN who supervises CNAs representative.

5. RULEMAKING HEARING: CHAPTER II – RULES AND REGULATIONS FOR APPROVAL OF NURSING EDUCATION PROGRAMS (9:09 A.M.)

At 9:09 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed amendments to the Chapter II rules.

Written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing:

1. Letter from Linda L. Siderius, JD, on behalf of the Denver School of Nursing, Rebecca Lynch, RN, Program Director
2. E-mail from Susan E. Scheuring, PhD, RN, Director, Nursing Program, Arapahoe Community College
3. E-mail from Jerry Spicer, MPA, RN, NEA-BC, FCHE
4. Letter from Kristine L. Reuss, RN, PhD, Director of Nursing Education Programs, Mesa State College
5. E-mail from Geri Anderson, Provost, Colorado Community College System
6. Letter from Suzanne Villiers, RN, MS, CEN, Nursing Program Director, Front Range Community College – WC
7. Letter from Dianna K. Chestnut, MSA, Director Regional Workforce Development

Staff testimony was given orally by Director Merrill who read the names of the public who participated in the work group to help craft the proposed amendments prior to the Rulemaking Hearing.

Work Group Members:

Martie Stangoni, Kathy Gutierrez, Gayle Preheim, Lori Harris, Marty Bachman, Sarah Jarrett; with consultation from Fran Ricker, Deb Center, and Jana Bergman.

ORAL TESTIMONY WAS GIVEN BY THE FOLLOWING PUBLIC MEMBERS:

1. Denise Root of La Junta, CO, Colorado Community College System and Director of Nursing, Otero Junior College.
2. Vicki Brownrigg of Colorado Springs, CO; Assistant Professor, University of Colorado, Beth El.
3. David Oxenhandler of Colorado Springs, CO; President, Newport International University.
4. Rebekah Lynch of Johnstown, CO; Director of Nursing, Denver School of Nursing.
5. Kristy Reuss of Grand Junction, CO; Mesa State College.

At 9:46 A.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter II rules.

At 10:15 A.M., after discussion, a Motion was made, seconded and carried to table the discussion of the proposed amendments to the Chapter II rules until information could be gathered and presented to the Board at the next regularly scheduled Full Board meeting.

6. RULEMAKING HEARING: CHAPTER XX – RULES AND REGULATIONS FOR MULTISTATE NURSE LICENSURE (10:30 A.M.)

At 10:30 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed amendments to the Chapter XX rules.

No additional staff testimony was presented during the Rulemaking Hearing.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral testimony was given by the public during the Rulemaking Hearing.

At 10:32 A.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to discuss proposed amendments to the Chapter XX rules.

At 10:34 A.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter XX rules as amended with the direction from the Board to staff to make typographical, grammatical, and formatting changes as needed.

7. CONTINUATION OF WORK SESSION FROM THE JANUARY 21, 2009 RULEMAKING HEARING REGARDING PROPOSED AMENDMENTS TO THE CHAPTER IX – RULES AND REGULATIONS FOR THE LICENSED PRACTICAL NURSE IN RELATION TO IV AUTHORITY (10:35 A.M.)

At the Board's regularly scheduled Full Board meeting held on January 21, 2009 a Rulemaking Hearing to consider proposed amendments to the Chapter IX – Rules and Regulations for the Licensed Practical Nurse in Relation to IV Authority was held. The Board reviewed written testimony and heard oral testimony from public stakeholders during the Rulemaking Hearing. Upon the conclusion of the

testimony portion of the Hearing, the Board entered into a work session to consider proposed amendments and the testimony received. The Board tabled their decision to adopt the proposed amendments until further information could be presented.

The Board received and reviewed an e-mail from Carolynn Cassut, RN, CRNI, CLNC, of Carolynn Cassutt Consulting, Inc, and an proposed red-line version of the rules with additional proposed amendments.

The Board reconvened the work session to discuss the proposed amendment to the Chapter IX rules and the further information received.

At 10:36 A.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter IX rules as amended with the direction from the Board to staff to make typographical, grammatical, and formatting changes as needed.

8. POLICY CHANGES (10:36 A.M.)

The Board reviewed a Memorandum from Program Director Merrill outlining the proposed changes to the following Board policies.

1. Revised Policy 10-04 *Minimum recommended documentation for applicants for licensure by examination following revocation or surrender of license due to substance abuse issues.* After discussion, a Motion was made, seconded and carried to adopt policy 10-04 as amended.
2. Revised Policy 20-22 *Delegation of authority to the Program Director or designee to process and resolve violations involving practice on lapsed licenses or certificates for Nurses, Nurse Aides, and Psychiatric Technicians.* After discussion, a Motion was made, seconded and carried to adopt policy 20-22 as amended.
3. Proposed Policy 20-23 *Cases dismissed with Letters of Concern: clarification of basis for dismissal, reopening of such cases and case retention period.* After discussion, a Motion was made, seconded and carried to adopt policy 20-23. The Board noted its delegated authority to Board staff to implement this policy.
4. Proposed Policy 60-07 *Ratio to Faculty to Student in Professional and Practical Nursing Education Programs.* After discussion, a Motion was made, seconded and carried to table the decision to adopt proposed Policy 60-07.
5. Proposed Policy 60-08 *Clinical simulation laboratory experience evaluation and faculty competency in the clinical simulation experience.* After discussion, a Motion was made, seconded and carried to table the decision to adopt proposed Policy 60-08.

9. 2009 LEGISLATIVE UPDATES – NURSE PRACTICE ACT, NURSE AIDE PRACTICE ACT AND PSYCHIATRIC TECHNICIAN PRACTICE ACT (10:44 A.M.)

Susan Miller, Director, Healthcare Section, and Mark Merrill, Program Director, gave an oral presentation to the Board regarding the current status of the Bills in the State Legislature regarding the sunset of the Nurse Aide Practice Act, Psychiatric Technician Practice Act, and Nurse Practice Act.

10. OPEN FORUM (11:19 A.M.)

Testimony was given to the Board by the following:

1. Barbara White of Lakewood, CO, from Colorado Christian University addressed the Board regarding pending items for their application for a nursing program.
2. Martie Stangoni of Aurora, CO, Director of Nursing, from Concorde Career College. Ms. Stangoni addressed the Board regarding Concorde Career College's application for Phase IV approval of their nursing education program. Ms. Stangoni informed the Board of CCC's process for correcting previously out-lined deficiencies and outstanding items.
3. Hollie Campanella, of Parker CO, from Platt College. Ms. Campanella addressed the Board regarding Platt College's application for Phase IV approval of their nursing education program and Ms. Campanella gave comments regarding proposed amendments to the Chapter II rules.
4. Aida Sohud of Alamosa, CO, of Adams State College. Ms. Sohud addressed the Board regarding Adams State College's application for approval of their nursing education program.

11. LUNCH (11:32 A.M.)

The Board recessed the meeting for one hour.

12. QUARTERLY REPORTS (12:31 P.M.)

The Board reviewed and noted the following reports:

1. Panel Quarterly Report – Applications – January through March 2009. The Board noted the report.
2. Nurse Aide Advisory Committee (NAAC) Quarterly Report – Applications January through March 2009. The Board noted the report.
3. Enforcement Unit Statistics Quarterly Report – January through March 2009 and Memorandum from Terrie Miller, Enforcement Manager. The Board noted the Memorandum and report.
4. Quarterly Case Statistics Quarterly Report – January through March 2009, Y. E. Scott, Senior Assistant Attorney General.

13. DONATION OF LITHO STONE (12:35 P.M.)

The Board reviewed a Memorandum with attachments from Mark Merrill, Program Director. On behalf of Mr. Peter McCue, the Board coordinated the transfer of the nursing license printing litho stone from Mr. McCue to the Colorado Nurses Foundation – Nursing Historical Society noting the litho stone's historical significance to the profession of nursing in Colorado's history.

14. NURSING EDUCATION REPORTS (12:53 P.M.)

Phase I Applications

Metropolitan State College of Denver – Traditional BSN program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to deny Phase I of the approval process citing concern over the number of available clinical placements and a number of deficient items that require addressing.

Colorado Christian University – Statewide Traditional BSN program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, and seconded to accept the Phase I application. The motion fails to carry. After continued discussion, a Motion was made to deny Phase I of the approval process citing needed clarification of available clinical placement. The Motion was withdrawn. After additional discussion, a Motion was made, seconded and carried to grant Roberta Hills, Nursing Education Specialist, the authority to grant Colorado Christian University's application for Phase I approval and directed Board staff to give guidance on the number of students admitted because of concern about sufficient acute care and pediatric clinical experiences available to students.

15. NURSE PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM – PEER ASSISTANCE SERVICES, INC. (PAS) (1:18 P.M.)

Rebecca Heck, RN, MPH, Program Director, Lee Ann Aden, Finance and Operations Director addressed the Board and summarized the mid-year Financial Statement Review Auditor's report addressing concerns outlined in an accompanying Memorandum from Mark Merrill, Program Director. The Board noted the mid-year Financial Statement Review and Auditor's Report.

16. PAS BUDGET INCREASE PROPOSAL (2:15 P.M.)

The Board reviewed the request for budget increase proposal. After discussion, a Motion was made, and seconded to approve a budget increase of 18% for the new fiscal year. After further discussion the Motion was withdrawn. After continued discussion, a Motion was made, seconded and carried to approve a 20% budget increase for the new fiscal year increasing the licensing and renewal fees of PNs and RNs by five dollars beginning in July 2009.

17. RECESS (2:34 A.M.)

The Board took a ten minute recess and then reconvened the meeting at 2:44 P.M.

18. NURSING EDUCATION REPORTS – CONTINUED (2:44 P.M.)

Phase II of the Approval Process

Adams State College – Traditional BSN program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Interim Approval to Adams State College's BSN program granting admission of 30 students annually.

Phase III of the Approval Process

Colorado Christian University LPN to ADN semi-annual report. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with the semi-annual report. After discussion, a Motion was made, seconded and carried to accept the semi-annual report from Colorado Christian University.

Platt College Traditional BSN semi-annual report. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with the semi-annual report. After discussion, a Motion was made, seconded and carried to accept the semi-annual report with the conditions outlined in Ms. Hills' Memorandum.

Platt College Traditional BSN curriculum change. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the curriculum changes.

Colorado Technical University ADN program semi-annual report. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with the semi-annual report. After discussion, a Motion was made, seconded and carried to accept the semi-annual report with the conditions outlined in Ms. Hills' Memorandum.

Phase IV of the Approval Process

Northeastern Junior College – LPN to ADN program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to Phase IV Approval.

Concorde Career College ADN program. The Board reviewed a Memorandum with attachments including a site visit report from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the site visit report and plan for addressing areas of non-compliance by December 31, 2009.

Continuing Full Approval

Front Range Community College Boulder Campus – LPN to ADN program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to remove Conditional Approval and restore Full Approval to Front Range Community College Boulder Campus.

Waiver Requests

Academy of Medical & Health Science – LPN program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist and a waiver request from Ms. Tammy Giltner requesting a waiver of the two year teaching requirement for the Director of Nursing Education Program. After discussion, a Motion was made, seconded and carried to grant the waiver request.

Platt College – Traditional BSN program. The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist and waiver request from Ms. Linda Graves requesting a waiver of the requirement of a graduate degree in nursing. After discussion, a Motion was made, seconded and carried, with an opposing vote from Carolynn Jefferson-Jenkins, PhD, to grant the waiver request.

NCLEX – Letters of Notification

Pickens Technical College – LPN program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to send a notification letter to Pickens Technical College requesting the LPN program to conduct a self-study and develop an action plan.

Colorado Northwestern Community College. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to send a letter to Colorado Northwestern Community College commending their strong action plan, and notifying them that the Board will examine the program's pass rates again in May of 2010 for further evaluation.

Educational Notes

The Board reviewed and noted the following:

1. Emily Griffith Opportunity School – LPN program. Continuing approval was granted March 20, 2009 for this program.
2. Mile High Academy – Institutional Accreditation from the Accrediting Bureau of Health Education Schools self study was due in May of 2009 in preparation of a site visit from the accrediting body.
3. Gloria Ohmart accepted the Director of Nursing Education Program (DNEP) position at CollegeAmerica.

CollegeAmerica requested a decision on their application for Phase II of the approval process. A Motion was made, seconded and carried to deny Phase II of the approval citing deficiencies and non-compliant items as outlined by Ms. Hills in her previously reviewed Memorandum to the Board regarding CollegeAmerica's application for approval of their nursing education program.

19. NURSE AIDE TRAINING PROGRAMS REPORTS (3:46 P.M.)

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Compliance Investigator, were ratified by the Board:

I. Active Interim

- 1/12/09 – Fairacres Manor
- 1/13/09 – Stillwater Executive Institute – East Denver
- 2/13/09 – New Beginning Nursing Assistant Program (formerly Colorado Council of Black Nursing Assistant Program)
- 3/23/09 – Haxtun High School Med Prep
- 3/21/09 – San Juan Basin Technical College – Cortez

II. Continued Full Approval

- 2/09/09 – Colorado State Veteran's Nursing Home – Rifle
- 2/10/09 – Valley Inn
- 3/16/09 – Grace Manor Care Center
- 3/16/09 – Career Development Center

- 3/19/09 – Arapahoe Community College
- 3/19/09 – Progressive Care Center
- 3/23/09 – St. Luke's Ministry
- 3/25/09 – Stillwater Institute – Lakewood
- 3/26/09 – Community College of Denver
- 3/26/09 – Summit High School Med Prep
- 3/27/09 – Arapahoe Douglas Career and Technical School
- 3/27/09 – Pickens Technical College (Adult)
- 3/30/09 – Pickens Technical College (Health Sciences Academy/High School)
- 3/31/09 – Red Rocks Community College
- 3/31/09 – Roaring Fork School District – Med Prep

III. Inactivated Programs

- 3/30/09 – Golden Harmony Home Health
- 3/30/09 – Pikes Peak Care Center

IV. Closed Programs

- 1/29/09 – Workplace Language Career College

V. Approval Withdrawn

- 2/20/09 – University Park Care Center
- 3/30/09 – Miriam Education Resource Center

VI. Denied Initial Applications

- 12/31/08 – Life Care Learning Center
- 2/06/09 – BEO Nurse Aide Training Program
- 2/24/09 – Colorado Nurse Training and Consulting
- 3/18/09 – Mile High Medical Academy

There being no further business, the State Board of Nursing adjourned the meeting at 3:48 P.M.

Sandra Summers, RN, President
State Board of Nursing